

Resolution # TC-1897**Declaration of Excess Property of State Highway 7**

Project #: 26-H3
Location: SH 7 Southwest
of Lyons
Parcels: 1X & 2X

WHEREAS, the US Department of Commerce, Bureau of Public Roads acquired right of way in 1955 under Project Number 26-H3 for the Construction of Route 26. Route 26 was subsequently adopted into the State Highway System as State Highway 7 (SH 7)

WHEREAS, the Departments Region 4 office recommends that the property labeled 1X and 2X of Project 26-H3 be declared excess right of way and no longer needed for highway purposes in the foreseeable future;

WHEREAS, the two adjoining private property owners have requested to purchase Parcels 1X and 2X from the Department;

WHEREAS, Colorado Revised Statutes 43-1-210(5)(a)(III) authorizes that if the department determines that the property or interest therein is of use only to one abutting owner or, in the case of an easement, to the underlying fee owner, the abutting owner or underlying fee owner shall have first right of refusal to purchase or exchange the property or interest therein upon which disposition is being made at the fair market value.

WHEREAS, the Department of Transportation, has declared through Pamela Hutton as the Chief Engineer, that this property is no longer needed for highway transportation purposes in the foreseeable future;

WHEREAS, the Transportation Commission concurs with the Chief Engineer that these parcels of right of way are not needed for highway purposes;

NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be given the authority to dispose of Parcels 1X and 2X of Project 26-H3 as shown on Exhibit A, and contained in the official agenda, and sell the excess right of way to the adjoining property owner at fair market value.

FURTHER, funds from the sale of these parcels shall be disbursed in accordance with Section 7.4 of the CDOT Right of Way Manual.